

O4GUAMIS

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 110 (MKV)

5 BORIS AMINOV,

6 Sentence

7 Defendant.

8  
9 New York, N.Y.  
April 17, 2024  
10 2:00 p.m.

11 Before:

12 HON. MARY KAY VYSKOCIL,

13 U.S. District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the  
Southern District of New York

17 BY: JEFFREY W. COYLE

Assistant United States Attorney

18 ABELL ESKEW LANDAU, LLP

Attorneys for Defendant

19 BY: DAVID M. ESKEW

20 JAMES KOUSOUROS

Attorney for Defendant

22 Also Present:

23 Nelly Alishaev, Interpreter (Russian)

24 FBI Special Agent Marshall Scarbro

O4GUAMIS

1 (Case called)

2 THE COURT: Please be seated everyone.

3 THE DEPUTY CLERK: Counsel, starting with the  
4 government, please state your name for the record.

5 MR. COYLE: Good afternoon, your Honor.

6 Jeff Coyle for the government.

7 I'm joined at counsel table by Special Agent Marshall  
8 Scarbro from the FBI.

9 THE COURT: All right. Good afternoon, Mr. Coyle.

10 And good afternoon, Special Agent Scarbro.

11 MR. ESKEW: Good afternoon, your Honor.

12 David Eskew, Abell Eskew Landau, on behalf of the  
13 defendant, Boris Aminov, who is seated to my left.

14 THE COURT: All right. Good afternoon to you,  
15 Mr. Eskew.

16 And good afternoon to you, Mr. Aminov.

17 MR. KOUSOUROS: And, your Honor, James Kousouros also  
18 counsel on behalf of Boris Aminov.

19 Good afternoon.

20 THE COURT: Good afternoon to you, sir. I didn't mean  
21 to skip over you.

22 MR. KOUSOUROS: That's okay. I'm hiding.

23 THE COURT: Behind the screen, you are.

24 All right. And good afternoon to our court reporter  
25 as well. Thank you.

O4GUAMIS

1 So good afternoon, everyone.

2 I am Judge Vyskocil. I've been presiding over this  
3 case and we're here this afternoon for the purpose of  
4 sentencing Mr. Aminov.

5 So let me just begin, Mr. Aminov, I want to confirm  
6 you do speak and understand English clearly and do not need the  
7 services of an interpreter?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: You do?

10 THE DEFENDANT: I speak English as well.

11 THE COURT: And you do not need an interpreter?

12 Because I'm recalling correctly at your plea, we had somebody  
13 on standby.

14 We do? I'm sorry. I didn't see you there, behind my  
15 screen.

16 THE DEFENDANT: Thank you.

17 THE COURT: All right. You're welcome.

18 And let me ask the government, are there any  
19 individual victims entitled to notice and has notice been  
20 given?

21 MR. COYLE: Notice has been made to victims, your  
22 Honor.

23 THE COURT: All right. Thank you.

24 So by way of background on October 26<sup>th</sup> of 2023,  
25 Mr. Aminov appeared before me for arraignment. At that time,

O4GUAMIS

1 he pled not guilty to the counts in the S1 superseding  
2 indictment that contained charges against him. Those were  
3 Counts One, Three, and Five of the superseding indictment.

4 On December 11<sup>th</sup> of last year he withdrew his plea  
5 of not guilty and he entered a plea of guilty pursuant to an  
6 agreement with the government to Count One only of that S1  
7 superseding indictment which charged him with conspiracy to  
8 commit wire fraud in violation of Title 18, United States Code,  
9 Section 1349.

10 Since that date the probation office has completed its  
11 investigation and all of the parties have filed their  
12 sentencing submissions with the Court.

13 So let me begin by noting what I have before me that  
14 is part of the record that I considered in connection with  
15 today's sentencing: I have the final presentence report filed  
16 by the probation office on March 1, 2024, that's at  
17 ECF No. 193. Now, I would note the probation office made a  
18 number of revisions to that PSR at the request of -- both sides  
19 made requests for revisions.

20 Excuse me one second.

21 It's my understanding that originally the defense had  
22 an objection which it submitted to the probation office in a  
23 letter dated February 16<sup>th</sup> of 2024. That's noted on page 22  
24 of the PSR, and it's my understanding that probation did make  
25 revisions in connection with the defense's objection. Is that

O4GUAMIS

1 accurate, Counsel?

2 MR. ESKEW: Yes, your Honor.

3 THE COURT: So there are no outstanding objections to  
4 the PSR?

5 MR. ESKEW: There are no outstanding objections to the  
6 PSR, your Honor.

7 THE COURT: All right. And thank you.

8 And the government has no objections, correct?

9 MR. COYLE: No, your Honor.

10 THE COURT: All right. And I have as well the  
11 defendant's sentencing submission which was filed on  
12 April 3<sup>rd</sup>. That's at ECF No. 205. That contained or  
13 attached a number of exhibits, certain portions of which have  
14 properly been redacted. And Exhibits 24 and 25 are filed under  
15 seal and will be maintained by the Court that way. The  
16 attachments include 25 letters of support. There are also  
17 excerpts from the transcript of the plea hearing which, of  
18 course, is on the docket, so I didn't need those attached as  
19 exhibits, and then there are certain health records of  
20 Mr. Aminov and, those would be the ones that are redacted  
21 and/or filed under seal. And as I say, they will be maintained  
22 that day. Finally, I have the government's sentencing  
23 submission filed on April 10<sup>th</sup> of 2024. That's at  
24 ECF No. 209.

25 So let me just pause and confirm that that was the

O4GUAMIS

1 entirety of the record before the Court? Mr. Coyle?

2 MR. COYLE: That's is correct, your Honor.

3 I did just want to clarify one point in the lead-up to  
4 the things that were considered: Count One of the indictment  
5 charged Mr. Aminov with conspiracy to commit both wire fraud  
6 and healthcare fraud in violation of 34 -- 13 -- 18, U.S.C.,  
7 1349 and he pleaded guilty to the healthcare fraud conspiracy  
8 object, not the wire fraud conspiracy.

9 THE COURT: That is consistent with my recollection.

10 MR. COYLE: Thank you, your Honor.

11 THE COURT: Agreed, Counsel?

12 MR. ESKEW: Yes, Judge.

13 THE COURT: All right. Thank you.

14 You are right and I appreciate the clarification for  
15 the record.

16 All right. And you confirm that is the entirety of  
17 what's before me?

18 MR. COYLE: Yes, your Honor.

19 THE COURT: All right. Mr. Eskew?

20 MR. ESKEW: Yes, your Honor.

21 THE COURT: All right. So then let me just ask you,  
22 Mr. Eskew, that you have had a full opportunity to read and  
23 review the PSR to talk about it with Mr. Aminov and to lodge  
24 any objections that you or he believe are appropriate?

25 MR. ESKEW: Yes, Judge, we've had that opportunity.

O4GUAMIS

1 THE COURT: All right. Mr. Aminov, have you reviewed  
2 the PSR with your counsel and had an opportunity to make any  
3 comments or ask him to lodge any objections that you believe  
4 are in order?

5 THE DEFENDANT: Yes, I did, your Honor.

6 THE COURT: Thank you.

7 And has the government reviewed the PSR and tendered  
8 any objections it thought needed to be made?

9 MR. COYLE: It has, your Honor.

10 THE COURT: All right. A few questions for the  
11 parties: First, with respect to forfeiture, Mr. Aminov did  
12 admit in his plea agreement with the government to the  
13 forfeiture allegation with respect to Count One of the  
14 indictment and he agreed to forfeit to the United States  
15 pursuant to 18, United States Code, Section 982(a)(7), a sum of  
16 money equal to \$4,401,495, representing proceeds traceable to  
17 the commission of the offense to which he pled and all right,  
18 title, and interest in certain specific property that is listed  
19 in the order, specifically, \$298,393 that was recovered from  
20 86-09 66<sup>th</sup> Avenue in Rego Park, New York on March 2, 2023.  
21 At the plea hearing, I signed a consent preliminary order of  
22 forfeiture as to specific property and money judgment and that  
23 order is on the docket at ECF No. 156. It will be incorporated  
24 into the judgment that I enter after today's hearing.

25 All right. In addition, the plea agreement provides

O4GUAMIS

1 that Mr. Aminov agrees to make restitution in the amount of  
2 \$13,270,379.50. I believe the parties have now submitted an  
3 order of restitution which provides for restitution in that  
4 amount and it includes a schedule of payment.

5 This is on consent, Counsel? Mr. Eskew?

6 MR. ESKEW: Yes, Judge. As part of plea agreement,  
7 the defendant consented to the entry of a restitution judgment.

8 THE COURT: All right. Mr. Aminov, you've reviewed  
9 this consent order with your counsel and you do consent to pay  
10 restitution or be obligated for restitution in this amount?

11 THE DEFENDANT: Yes, I did, your Honor.

12 THE COURT: All right. And that obligation is joint  
13 and several, is it not?

14 MR. ESKEW: Yes, Judge, it is.

15 THE COURT: Does the order so provide?

16 MR. ESKEW: I believe it does.

17 THE COURT: It's just been handed to me. It says  
18 restitution is not joint and several with any other defendants.  
19 The single sentence at the end of paragraph 1 says that.

20 Mr. Coyle?

21 MR. COYLE: Yes, I believe that is correct, your  
22 Honor.

23 THE COURT: That is not joint and several?

24 MR. COYLE: Correct, your Honor, although -- can I  
25 have one moment to discuss with counsel?



O4GUAMIS

1 THE COURT: Please.

2 (Counsel confer)

3 MR. COYLE: Your Honor, the parties will submit an  
4 amended order specifying joint and several with certain  
5 defendants under the indictment but certainly not all. We'll  
6 do that by the end of the day today, your Honor.

7 THE COURT: All right. Thank you. Because I should  
8 sign this and enter it, you know, shortly within the vicinity  
9 of entry of the judgment, and I do try to get the judgment  
10 entered promptly after sentencing.

11 MR. COYLE: Absolutely, your Honor. With respect to  
12 restitution, I believe the Court has actually does have a few  
13 months to do that but by the end of the day, I'll --

14 THE COURT: Correct. I like to do it promptly and I  
15 like to be sure it's on consent, which is why I ask these  
16 questions at sentencing.

17 MR. COYLE: Absolutely.

18 THE COURT: All right. So it is joint and several  
19 with several other defendants, in other words, right?

20 MR. COYLE: Correct, your Honor.

21 THE COURT: All right. I'll wait to hear from the  
22 parties with respect to that.

23 All right. Now, with respect to the amendments that  
24 were made at the conclusion of last year, the 2023 amendments  
25 that the sentencing guidelines, I want to just confirm that the

O4GUAMIS

1 parties are in agreement that Mr. Aminov does not qualify for  
2 the two-level offense calculation reduction for a zero-point  
3 defendant because he did receive certain other adjustments for  
4 in particular vulnerable victims and aggravating role in the  
5 commission the offense.

6 MR. COYLE: That is the government's position, your  
7 Honor.

8 THE COURT: All right. Mr. Eskew?

9 MR. ESKEW: Yes, Judge. That was part of our plea  
10 agreement and the stipulated plea that we've entered into does  
11 not provide for that two-level adjustment.

12 THE COURT: So you agree?

13 MR. ESKEW: Yes.

14 THE COURT: Thank you.

15 MR. ESKEW: Judge, can I just go back to the  
16 forfeiture? I don't want to interrupt your Honor.

17 THE COURT: Yes.

18 MR. ESKEW: I think, and I may have gotten it wrong, I  
19 think when you were discussing the forfeiture judgment you  
20 mentioned the amount that was seized as 293,000 and change, and  
21 that is an old number that I believe the government submitted  
22 an amended consent judgment. The amount should be 318,393. I  
23 just wanted to make sure.

24 THE COURT: I'm sorry. Tell me the amount again.

25 MR. ESKEW: \$318,393 was the amount that was seized,

O4GUAMIS

1 and that is what's reflected in the consent judgment that I  
2 have.

3 THE COURT: Is that what you were looking for,  
4 Mr. Coyle?

5 MR. COYLE: I was looking around for that, your Honor,  
6 and that is correct, docketed at document No. 156 is the  
7 consent offered forfeiture the total is 318,000 --

8 THE COURT: Where is that in this order?

9 Here it is. Okay. \$318,393. Correct.

10 MR. COYLE: Correct, your Honor. And that is also the  
11 number reflected in the signed plea agreement.

12 THE COURT: All right. I appreciate that, Mr. Eskew.  
13 Thank you.

14 Next, have you, Mr. Eskew, reviewed with Mr. Aminov  
15 the proposed standard mandatory and special conditions of  
16 supervised release, and are you comfortable with my referring  
17 to those conditions proposed in the PSR simply as mandatory and  
18 standard conditions without putting them on the record  
19 verbatim?

20 MR. ESKEW: Yes, Judge.

21 THE COURT: All right. And have you specifically  
22 reviewed the proposed special conditions of supervised release  
23 with Mr. Aminov?

24 MR. ESKEW: Yes, Judge. We've gone over the PSR in  
25 detail and he's reviewed it.

O4GUAMIS

1 THE COURT: All right. But in particular I'm asking  
2 you now about the special conditions.

3 MR. ESKEW: Yes, Judge. And, in fact, you know, we  
4 will be requesting that he be permitted to -- or that your  
5 Honor recommend the RDAP program and so one of those special  
6 conditions is regarding his drug and alcohol treatment program  
7 as part of his sentencing, and we would like that to continue,  
8 Judge, as part of his special conditions.

9 THE COURT: Okay. So, Mr. Aminov, I am -- you can  
10 stay seated, sir -- I'm obligated to review with you  
11 specifically the special conditions and put those on the  
12 record, but did you review with your counsel all of the  
13 conditions including the mandatory and standard conditions?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And the special conditions?

16 THE DEFENDANT: Yes, your Honor, I did.

17 THE COURT: All right. So probation proposes and I  
18 would intend to impose the following special conditions during  
19 any term of supervised release: First, that you be obligated  
20 to participate in an outpatient treatment program approved by  
21 the United States Probation Office, which program may include  
22 testing to determine whether you've reverted to using drugs or  
23 alcohol, and you would be obligated to contribute to the cost  
24 of those services based on your ability to pay and/or the  
25 availability of any third party payments, meaning insurance, in

O4GUAMIS

1 other words, and I would, in the order, authorize the release  
2 of any available drug treatment evaluation or reports including  
3 the presentence report to the provider of the substance use  
4 disorder program. In addition, you must provide the probation  
5 officer with access to any financial information that might be  
6 requested --

7 Just give me one moment.

8 -- with respect to --

9 And you must not incur any new credit card charges or  
10 open any additional lines of credit without the approval of the  
11 probation office unless you're in compliance with your payment  
12 schedules for forfeiture and restitution. I find this  
13 condition justified in light of the nature of the crime to  
14 which you are pleading guilty or you have pled guilty and in  
15 order to ensure that there is not similar conduct in the  
16 future. I also find it justified in light of the very  
17 significant amount of forfeiture and restitution that you are  
18 required to pay.

19 Probation also proposes and I would intend to order  
20 that you must participate in an outpatient mental health  
21 treatment program approved by the United States Probation  
22 office and continue to take any prescribed medication unless  
23 instructed otherwise by your healthcare provider and here too  
24 you would be obligated to contribute to the costs of services  
25 based on your ability to pay and the availability of third

O4GUAMIS

1 party payments and here too I would authorize the release of  
2 available psychological and psychiatric evaluations and reports  
3 and the health -- and the presentence report to the healthcare  
4 provider. I find that both this condition and the outpatient  
5 drug and alcohol treatment program are warranted in light of  
6 your own professed history of substance abuse and the mental  
7 health issues that you've been struggling with. So it would be  
8 my intent to impose each of those special conditions. I  
9 would --

10 Well, Counsel, I'm interested in you telling me, is  
11 there a need to include in the treatment program for drug and  
12 alcohol that there be attention given to gambling issues as  
13 well?

14 MR. ESKEW: Judge, I don't think so. In my  
15 conversations with Mr. Aminov, that seemed to be something that  
16 it was cabined off in his life that he had a professed gambling  
17 issue at one time and was spending too much money doing those  
18 kinds of activities but he has gotten that under control and it  
19 has not been an issue of late. I think it's more the mental  
20 health treatment and the drug and alcohol -- really alcohol,  
21 it's not really drugs, that he has been benefited from  
22 presentencing and will continue to benefit from in the future.

23 THE COURT: All right. I will -- Mr. Aminov, do you  
24 agree with that? Do you feel you've gotten the gambling issues  
25 under control?

O4GUAMIS

1 THE DEFENDANT: Yes.

2 THE COURT: All right. I will not particularize that,  
3 but I will impose the special conditions that were proposed by  
4 probation and which you seem to yourself say you think would be  
5 beneficial to you. I won't specify gambling, but I will  
6 encourage you in the strongest terms that you be honest with  
7 your treatment providers, and if there is an issue, you share  
8 that with them so that they can try to help you deal with it.  
9 Understood?

10 THE DEFENDANT: Yes, I understand.

11 THE COURT: So are there any objections to those  
12 proposed special conditions, Mr. Eskew?

13 MR. ESKEW: No objection.

14 THE COURT: And does the government still agree that  
15 Mr. Aminov is entitled to a two-level reduction in the  
16 calculation of his offense level by reason of his clearly  
17 demonstrated acceptance of responsibility?

18 MR. COYLE: It does, your Honor.

19 THE COURT: All right. And does the government intend  
20 to move for a further one level reduction pursuant to  
21 Section 3E1.1(b) by reason of Mr. Aminov's timely notice of  
22 intent to plead guilty?

23 MR. COYLE: The government so moves at this time.

24 THE COURT: All right. The motion granted. And I  
25 will tell that you in doing my own independent calculation

O4GUAMIS

1 under the sentencing guidelines, I did include not only the two  
2 level reduction for acceptance of responsibility but also the  
3 additional level -- additional one level reduction for timely  
4 notice of an intent to plea.

5 I will note for the record that the stipulated  
6 guidelines range is consistent with what's set forth in the  
7 PSR, the calculation by the probation office, and that also  
8 matches the independent calculation that I did.

9 So just to confirm, there are no disputes or  
10 objections with respect to the PSR, correct? Mr. Coyle?

11 MR. COYLE: None from the government, your Honor.

12 THE COURT: And is that true from the defense as well,  
13 Mr. Eskew?

14 MR. ESKEW: Yes, Judge.

15 THE COURT: All right. So I will adopt the PSR in its  
16 entirety including the factual findings and the guidelines  
17 calculations that are set forth therein. The PSR will be made  
18 part of the record in this matter. It will be filed under  
19 seal. If any appeal is taken, counsel on any appeal may have  
20 access to the PSR without application Court.

21 All right. Before I turn to imposing sentence, does  
22 the government wish to be heard?

23 MR. COYLE: It does, your Honor.

24 THE COURT: Please.

25 MR. COYLE: Thank you.



O4GUAMIS

1           Your Honor, Mr. Aminov is the first defendant to be  
2 sentenced in this 11-defendant fraud case.

3           THE COURT: Am I correct that he's also the first to  
4 have pled, right?

5           MR. COYLE: That's correct, your Honor.

6           THE COURT: Yes.

7           MR. COYLE: And he sits at the very top of that  
8 indictment for very good reason. I'll talk in a bit about  
9 Mr. Aminov's precise roll within the scheme and the 3553(a)  
10 factors as they pertain to him and why the government  
11 absolutely believes that the sentence of 120 months is  
12 necessary under those factors.

13           But, first, I want to talk about the scheme itself,  
14 because the government hasn't had a chance yet to do that in  
15 court given Mr. Aminov is the first to be sentenced and because  
16 this is not a typical financial fraud case. The scheme was  
17 uniquely insidious and harmful in a number of ways that are  
18 very important to understand and I'd like to begin there.

19           Not long ago, the HIV/AIDS epidemic was ravaging the  
20 country and New York City in particular. At that time an HIV  
21 diagnosis was akin can to a death sentence. There was  
22 extraordinary fear and a true public health emergency.  
23 Pharmaceutical companies set off to develop drugs to treat this  
24 deadly infection. And a major breakthrough came, a medical  
25 changer, antiretroviral medications that could effectively

O4GUAMIS

1 control the symptoms of HIV and help to prevent its spread.  
2 And in a short period of time these drugs were improved upon  
3 with multi-drug regimens that could both control HIV symptoms  
4 and ameliorate the harmful side effects of these medications.  
5 For many HIV patients, these drugs represented a new lease on  
6 life.

7 For the defendant and others involved in the scheme,  
8 these drugs represented a massive opportunity to commit fraud.  
9 Many of these drugs are under patent, there are no generics  
10 available on the market, and they are very expensive. But  
11 because of the vital role that they play in treating this  
12 disease, government insurance, like Medicaid and Medicare,  
13 covers the cost of these prescriptions and reimburses upwards  
14 of \$3,000 for a single month prescription for a single patient  
15 with HIV on the promise that that money will then be spent to  
16 buy legitimate HIV medication from legitimate sources at or  
17 near that price, they were reimbursed.

18 And that's where the fraud comes in. Instead of  
19 spending the money collected from government insurance to buy  
20 legitimate medication, pharmacies sourced the meds from black  
21 market channels like Mr. Aminov instead. At some point in the  
22 black market HIV medication supply chain, that black market  
23 medication comes from people buying HIV medication from  
24 patients who had been prescribed that -- that medication and  
25 giving them a nominal fee. This medication could be expired,

O4GUAMIS

1 degraded, stored improperly, and in all events, is outside of  
2 the legitimate and regulated medication supply chain. Profit  
3 margins were enormous. While government insurance would  
4 reimburse for the full price to buy the meds from legitimate  
5 wholesalers, patients are paid only a few hundred dollars to  
6 buy back their medication. So that's thousands of dollars in  
7 profit off of a single monthly prescription for a single  
8 patient. Medicaid and Medicare were the primary economic  
9 victims of this fraud. And Mr. Aminov himself is liable for  
10 restitution to those entities of more than \$13 million.

11 But make no mistake, your Honor. There were other  
12 victims here, vulnerable victims, the patients with HIV.  
13 They're victims of this fraud in at least two ways, first, many  
14 of these patients were on Medicaid and were poor. Many have  
15 drug dependencies and live in shelters. They were faced with  
16 the choice of selling back their meds for a few hundred dollars  
17 a month instead of taking the medication that they were  
18 prescribed to treat their potentially deadly infection. Every  
19 month these patients asking themselves, how do I feel, can I go  
20 a month without my meds? How are my T cell levels? How bad do  
21 I need that few hundred dollars that I'm being offered for my  
22 medication? Because these meds are so effective, a patient can  
23 go a month or two without the meds and maybe not end up in the  
24 hospital, but they certainly shouldn't do that. That puts  
25 their health at risk. It also makes the medication less

O4GUAMIS

1 effective when they -- those patients start retaking it. It  
2 also increases the likelihood of spreading the disease to  
3 others.

4 To be clear, the government's evidence doesn't show  
5 that Mr. Aminov bought back meds directly from patients but  
6 that's because he was higher up in the scheme. He received  
7 large deliveries of medication from others that had been  
8 collected from patients. That's evident from the stockpile of  
9 black market medication found in his townhouse that were  
10 degraded, in the names of many different patients from many  
11 different pharmacies and clearly bought back. The government  
12 isn't aware of any other way that one could acquire the  
13 medication that Mr. Aminov was trafficking other than it being  
14 bought back from patients at somewhere -- in somewhere in that  
15 supply chain.

16 Now, the second way that HIV patients were victims of  
17 the scheme is that pharmacy patients believed they were  
18 receiving legitimately sourced medication, medication from  
19 regular -- regulated wholesalers, but Mr. Aminov and others  
20 took great care to remove the labels off of bought back  
21 medications, dress up the bottles as though they were new,  
22 placing new patient labels on them, and making them appear  
23 legitimate, when, in fact, they weren't. Patients were being  
24 provided these dirty bottles doctored to look like legitimately  
25 sourced medication. These meds were sometimes expired as

O4GUAMIS

1 evidenced from messages on Mr. Aminov's phone and other  
2 medication recovered in his townhouse. This was extremely  
3 reckless and could have -- and could have and very well might  
4 have done really harm to the patients that actually took these  
5 medications.

6 All this to say, your Honor, the offense here was  
7 extremely serious. This is not a garden variety economic fraud  
8 but rather one designed to exploit vulnerable people with HIV.  
9 And a significant sentence is needed for just punishment and to  
10 reflect the seriousness of that offense.

11 Mr. Aminov was a leader in this scheme. He occupied  
12 many roles within it. He operated his own pharmacy, called  
13 Bless You RX that distributed black market meds and defrauded  
14 Medicaid and Medicare in direct fraudulent billings in the  
15 amount of millions of dollars, but he was also a major supplier  
16 and distributor of the black market meds to other pharmacies  
17 all around the New York. Christy Corvalan's pharmacy in the  
18 Bronx alone paid shell companies provided to her by Mr. Aminov  
19 more than \$5.7 million over two years, presumably as payment  
20 for the black market meds that she was distributing to her  
21 patients received from him. He also sold to other pharmacy  
22 owners including Roman Shamalov and Irina Polvanova, who are  
23 also codefendants in this case, and he also provided vital  
24 information to other coconspirators on how to execute the  
25 scheme. For example, he provided advice to Corvalan on where

O4GUAMIS

1 she could find pharmacists and new pharmacies that could be  
2 purchased out of which he could perpetrate the fraud.

3 A sentence of 120 months is also required to provide  
4 adequate deterrence in this case.

5 And I know, your Honor, the Court hears many arguments  
6 about the role of deterrence in financial frauds, but I want to  
7 be crystal clear about what deterrence means in this specific  
8 case: This scheme was extremely sophisticated. Aminov  
9 provided the names of 17 shell companies to Corvalan and others  
10 where they made payment for the dirty meds that he provided  
11 them. Corvalan alone paid those companies \$5.7 million in  
12 handwritten checks. Others picked up those handwritten checks  
13 and cashed them at check cashing stores to launder those funds.  
14 They walked out with bags of money, hundreds of thousands at a  
15 time. Where that money went is very difficult to determine.  
16 The scheme was specifically designed to conceal all those  
17 profits, but I'll note that more than \$300,000 in cash was  
18 seized from the townhouse from which Mr. Aminov perpetrated the  
19 fraud.

20 Also, defendants engaged in the scheme constantly,  
21 opened and closed different pharmacies to avoid the detection  
22 of irregular billing patterns and audits from insurance  
23 companies. Aminov communicated with scheme participants using  
24 encrypted messaging application like WhatsApp and telegram  
25 including to receive their medication orders.

O4GUAMIS

1           In short, your Honor, frauds of this scale and  
2           sophistication are extremely difficult to detect and to  
3           prosecute. That's the reality.

4           And that's evident from how this case was  
5           investigated. This case was investigated by the FBI's  
6           healthcare fraud squad for nearly a year and a half before  
7           charges were filed. The investigation all began with a flyer a  
8           single piece of paper saying, we buy meds, and a phone number  
9           that was found at an HIV-assisted living facility. An FBI  
10          undercover agent called that number and the person on the other  
11          end confirmed he would buy HIV and other meds from patients.  
12          That person was an Antonio Payano, another codefendant. Agents  
13          then did an analysis that tied Payano to Christy Corvalan who  
14          they saw was a pharmacy owner in the Bronx. An in-depth  
15          investigation was undertaken of the pharmacy's financials.  
16          Medicaid and Medicare reimbursements and pharmacy billing  
17          records that showed that almost all of those pharmacy patients  
18          were HIV patients and were reimbursed almost \$15 million for  
19          HIV meds, yet almost no drugs were actually bought from  
20          legitimate wholesalers. Millions in checks, nonetheless, were  
21          written to shell companies from the pharmacy account. After  
22          many months of intensive investigation, search warrants were  
23          obtained that revealed Mr. Aminov as a major provider of the  
24          black market meds to Corvalan and the others and that those  
25          shell companies had been given to Corvalan by Aminov to make

O4GUAMIS

1 payment for his services.

2 In short, Mr. Aminov is a leader in a massive,  
3 sophisticated fraud that took years of dedicated investigation  
4 from skilled agents to thwart.

5 A sentence must send the message to these  
6 contemplating leading a scheme like this on the front end no  
7 matter how much money you might be able to make and no matter  
8 what steps you try to take to avoid detection. If you are  
9 caught, as if -- as Mr. Aminov was caught here, the  
10 consequences will be severe. That is the importance of  
11 deterrence in this case.

12 Finally, your Honor, I want to address the  
13 characteristics of the defendant and acknowledge that there has  
14 been tragedy in Mr. Aminov's life and he appears to take on  
15 responsibilities for members of his family and others in the  
16 community. But the government just doesn't buy that in his  
17 involvement was not primarily driven by greed. That's the  
18 nature of this scheme, making money off vulnerable patients.  
19 And while the government can't show where, for example, the  
20 5.7 million paid to the shell companies provided by Aminov to  
21 Corvalan ultimately went, Aminov clearly profited. He drove a  
22 new Range Rover. He had hundreds of thousands of dollars in  
23 cash seized in his townhouse. And we expect that he laundered  
24 much greater sums for his personal benefit. But the government  
25 does recognize a degree of mitigation from the arguments raised



O4GUAMIS

1 in the defendant's submission. And importantly, your Honor,  
2 that mitigation has already been thoroughly considered and  
3 accounted for. Mr. Aminov's guidelines are 151 to 188 months  
4 for his conduct. Yet, he was offered a plea that allowed him  
5 to plead to healthcare fraud conspiracy that has a statutory  
6 maximum of 120 months --

7 THE COURT: All right. So, Mr. Coyle, a couple of  
8 things.

9 MR. COYLE: Yes.

10 THE COURT: First, his guidelines sentence is  
11 120 months. It's not the range that would be yielded by the  
12 matrix, correct?

13 MR. COYLE: Absolutely, your Honor, that --

14 THE COURT: All right. And, second, your office  
15 entered into the plea deal with Mr. Aminov, presumably for good  
16 and sufficient reasons, you allowed him to plead only to the  
17 one count. Does not case law say it's not appropriate for you  
18 to ask me to take into account that he's already gotten a  
19 benefit by the deal that your office gave him?

20 MR. COYLE: Your Honor, it is certainly appropriate to  
21 look at what the conduct stipulated to --

22 THE COURT: Yes.

23 MR. COYLE: -- would have yielded. Of course, the  
24 guideline range operatively becomes the statutory max in the  
25 event it is over that, but what the government is trying to

O4GUAMIS

1 explain and what it's very permissible for the Court to take  
2 into account is the reasons why the government thought it  
3 appropriate to make this deal here in saying that in doing so,  
4 it already accounted for the mitigating factors that Mr. Aminov  
5 raises now. What I'm trying to communicate, your Honor, is  
6 that the things raised in the defendant's submission are things  
7 that the government considered and thought about --

8 THE COURT: If you considered them, I'm the one that's  
9 imposing sentence, not the government, and that's the question  
10 I'm asking you. So you considered it and that's all well and  
11 good.

12 MR. COYLE: And that's simply what I'm doing, your  
13 Honor, is I'm communicating --

14 THE COURT: But I'm not supposed to take it into  
15 account.

16 MR. COYLE: Your Honor, it is appropriate to consider  
17 the things that Mr. Aminov had been charged with versus  
18 something that he pled to --

19 THE COURT: The conduct that he engaged in, yes.

20 MR. COYLE: And, your Honor, the reason that it's put  
21 in the plea agreement and within the guidelines calculation in  
22 the PSR that informs the Court of but for that statutory  
23 maximum sentence on the count that he pleaded to, what would  
24 the conduct ultimately have yielded. It is background  
25 information. That's why it is important for the Court to know,

O4GUAMIS

1 for example, the enhancements that did come into play here.

2 THE COURT: Okay. The second question I have for  
3 you --

4 MR. COYLE: Yes, your Honor.

5 THE COURT: -- is in terms of avoiding unwarranted  
6 sentencing disparities. I understand Mr. Aminov was clearly a  
7 leader here. He stipulated to that in connection with his  
8 plea.

9 MR. COYLE: Yes, your Honor.

10 THE COURT: But you haven't really addressed relative  
11 culpability. I mean, you said at the outset he's at the top.  
12 Is that the government's view?

13 MR. COYLE: Absolutely, your Honor. There are 11  
14 defendants charged in this case --

15 THE COURT: And it's your view that he alone is the  
16 most culpable?

17 MR. COYLE: That is the government's view. And, your  
18 Honor, this is an important point, and I should have brought it  
19 up earlier, that is further reason that -- not only, like  
20 others involved in the scheme, did Mr. Aminov operate his own  
21 pharmacy from which he was orchestrating this scheme, he was  
22 also serving as an umbrella to other pharmacies to permit them  
23 to do it, to source the black market meds to those other  
24 pharmacies owned by Corvalan, Shamalov, and Polvanova in this  
25 case. So, yes, the government views Mr. Aminov as the most

O4GUAMIS

1 culpable in this scheme.

2 THE COURT: Okay. I don't know, I think I interrupted  
3 you, and I'm sorry. Finish your thoughts.

4 MR. COYLE: No. They were very helpful questions,  
5 your Honor. Thank you very much.

6 In all events, for all of these reasons that the  
7 government stated including the government's thought process in  
8 offering a plea to the healthcare fraud conspiracy, the  
9 government believes that a 120-month sentence is sufficient but  
10 not greater than necessary to achieve the aims of sentencing,  
11 but it strongly believes that 120 months is necessary because  
12 the sentence needs to reflect the gravity of this harmful fraud  
13 that exploited vulnerable HIV patients, provide just  
14 punishment, and provide deterrence to other leaders of large,  
15 sophisticated schemes deliberately and skillfully designed to  
16 evade law enforcement detection.

17 We respectfully request that the Court impose a  
18 sentence of 120 months for all those reasons.

19 THE COURT: All right. Thank you.

20 MR. COYLE: Thank you.

21 THE COURT: Just one moment.

22 All right. Mr. Coyle, I assume there are no victims  
23 who wish to be heard?

24 MR. COYLE: No, your Honor.

25 THE COURT: All right. Mr. Eskew, do you wish to

O4GUAMIS

1 address the Court?

2 MR. ESKEW: Yes, please. Thank you, your Honor.

3 Judge, I'll start just by noticing the obvious, which  
4 is a full courtroom. There's many members from the community  
5 here to support Mr. Aminov and to show their love for him.  
6 Those people include his mother, Rachel Aminov, who is seated  
7 in the gallery.

8 THE COURT: Where is -- Thank you.

9 MR. ESKEW: It also includes, of course, friends,  
10 family, members of his community.

11 THE COURT: Are these all community members?

12 MR. ESKEW: Just about, Judge. There are some people  
13 who are not from the community, the program that Mr. Aminov has  
14 been participating in presentence is also here, The Focus  
15 Forward Project, which I'm sure your Honor is aware of, and  
16 they are here as well.

17 They can raise their hand.

18 THE COURT: Thank you.

19 MR. ESKEW: A couple of people from my office, Judge.

20 So it's mostly, though, I'd say 98 percent members of  
21 his community showing their support, and people whose lives,  
22 you know, Mr. Aminov has affected directly through some of his  
23 charitable works and his support of his community and family.

24 Judge, there's three people who are not here, which  
25 you know from our submission --

O4GUAMIS

1 THE COURT: There's more than three people not here.

2 MR. ESKEW: Sure.

3 THE COURT: They're all of the people who were  
4 impacted who were battling HIV.

5 MR. ESKEW: You're right, Judge. There's many  
6 victims, and it's a very serious offense, and we will address  
7 directly, Judge, the seriousness of the offense.

8 And I will say, Judge, right up front that Mr. Aminov  
9 accepts responsibility. You'll hear from him himself. He's  
10 aware of the seriousness of the offense and none of my comments  
11 today, Judge, in mitigation of sentencing, which, of course,  
12 you will hear from me, are meant to, in any way, minimize his  
13 involvement. I'll address that directly. It's not meant to  
14 minimize the impact on the HIV patients who took these  
15 medications or the other codefendants in any way. This was a  
16 serious scheme. And Mr. Coyle is right, that it's not your  
17 garden variety economic offense. It is a serious healthcare  
18 fraud offense. And we believe a serious sentence is warranted.

19 And Mr. Aminov sits in front of you today prepared for  
20 that. He knows it's coming. He knows he has to face jail  
21 time. He knows he'll have a serious and significant separation  
22 from many of the people in this room who love him very much.  
23 So he knows that that's coming. But, nonetheless, I hope that  
24 your Honor will hear our argument in mitigation to say that we  
25 don't think it needs to be 120 months, that it should be

O4GUAMIS

1 substantial, but something less than that, something  
2 significantly less than that.

3 The three people that I was referring to, Judge, that  
4 are directly involved in Mr. Aminov's life are his father and  
5 his two brothers who are not here. And I don't say that to be  
6 dramatic. I don't say that to invoke the Court's sympathy. I  
7 say that, Judge, because those three people loom large in this  
8 case from the perspective of the history and characteristics of  
9 the defendant and the nature and circumstances of the offense,  
10 two very important considerations under 3553 -- 3553(a).

11 And I won't belabor the point, Judge. I know you've  
12 read the papers and all the letters and I know you're very  
13 familiar with the PSR. However, I do want to say that  
14 Mr. Aminov's adult life has been marred by pretty significant  
15 tragedy that is unique and unlike what I expect you'll face  
16 with many of the defendants in this case and many of the  
17 defendants generally who come before you. That's not to say  
18 that other defendants don't have their own unique and difficult  
19 histories to face. But Mr. Aminov was placed in a position  
20 within his family where he and his mother were the only ones  
21 left within his immediate family because of the tragic death of  
22 his father to a hit-and-run accident when he was returning home  
23 from services on Yom Kippur, his completely -- nearly  
24 completely disabled brother who suffers from advanced multiple  
25 sclerosis and who is now confined to an assisted living

O4GUAMIS

1 facility and is on a feeding tube, and his other brother, who  
2 committed suicide in 2019 as a result of issues with his own  
3 mental health and left behind a wife and two children,  
4 Mr. Aminov's niece and nephew. And it's not just tragedy and  
5 so be sympathetic to Mr. Aminov's situation, these are the --  
6 the events that led directly to Mr. Aminov's involvement in the  
7 charged conduct. It's one of the reasons why Mr. Aminov's plea  
8 was to a more narrow period of time than some of the other  
9 defendants because he did not get involved from the beginning.  
10 And so to address one of the points that the government makes  
11 about, you know, characterizing in their sentencing submission  
12 Mr. Aminov as the, quote-unquote, mastermind behind this  
13 scheme, that doesn't square with the facts. We don't deny that  
14 he operated at a high level.

15 THE COURT: You stipulated that he was the leader --

16 MR. ESKEW: Yes --

17 THE COURT: -- and organizer.

18 MR. ESKEW: Absolutely, Judge. But not the mastermind  
19 of the scheme, as they paint him.

20 THE COURT: All right. But we're not going -- the  
21 game of semantics doesn't really influence me.

22 MR. ESKEW: Judge, it's not meant to be semantical.  
23 It's meant to be a reflection of the facts.

24 THE COURT: I didn't mean you. I meant the  
25 government's use of the term mastermind is not determinative.



O4GUAMIS

1 I'm just telling you.

2 MR. ESKEW: Understood. He was an organizer, a  
3 leader., he's accepted responsibility for that. It's  
4 comprised -- it is captured by his sentencing guidelines.

5 But he came to this scheme largely after the death of  
6 his brother and took over that business and made a critical  
7 mistake in doing so, which is that he continued that business  
8 in the shoes of his brother in a manner that continued the  
9 illegal conduct that had been ongoing, that distributorship,  
10 and that's a mistake that Mr. Aminov is reckoning with now and  
11 will reckon with as he sits in jail after your Honor's  
12 sentence.

13 THE COURT: And that's 13 years after his father was  
14 killed, right?

15 MR. ESKEW: Yes, correct, Judge, it was, but  
16 contemporaneous with the death of his brother. And we do think  
17 it's significant, Judge, that with respect to the nature and  
18 circumstances of the offense, the context of that crime was not  
19 an outgrowth of pure greed. Certainly they made money and  
20 certainly Mr. Aminov benefited from that, as can be seen, but  
21 there are some defendants in this case, Judge, where they  
22 benefited to a far greater degree comparatively. And, so, yes,  
23 he's an organizer, leader --

24 THE COURT: And he stipulated to a loss amount of over  
25 \$13 million.

O4GUAMIS

MR. ESKEW: Yes, Judge.

THE COURT: He stipulated to that.

MR. ESKEW: Yes.

THE COURT: Okay.

MR. ESKEW: And he stipulated to it, Judge, because that is the loss number that is reflective of his -- of his involvement in the scheme during the period of time -- the period of time in which he was involved and he accepted the forfeiture number based on the money flow that was calculated by the government to him.

I think, Judge, that when considering the history and characteristics of the defendant and the nature and circumstances of the offense, there is mitigation present. Because of his tragic circumstances, because of the circumstances under which he came to the offense, and the manner in which he participated in it. And some of the other factors that you can see in the letters that I won't -- that I won't belabor but his very, very significant involvement in the community, with veterans, with poor folk, all of which predate his involvement in this offense and are a reflection of his true character, not necessarily just a defendant who is trying to prove to your Honor that he's made a turn for the better.

Judge, with respect to deterrence, obviously, there's a need for general and specific deterrence. It will be part of the considerations that your Honor makes in fashioning your

O4GUAMIS

1 sentence. But I would submit, Judge, that the government's the  
2 outlier here when it comes to the recommended sentence. I  
3 mean, probation obviously is not entitled to, you know, any of  
4 your deference, your Honor, you hand out the sentence, of  
5 course, you have the authority to do that. But we do think  
6 it's significant that probation took a look at this and met  
7 with the defendant and went through his mitigation and took a  
8 look at the offense as well and came up with a sentencing  
9 recommendation of 84 months. We do think that that's a  
10 reflection of the fact that there is substantial mitigation  
11 here when you bring into account all of the 3553(a) factors,  
12 not just the offense conduct, which looms large and requires a  
13 substantial sentence, but is not the only consideration.

14 And so, Judge, we would submit that when you consider  
15 all of those factors, Judge, his tragic circumstances and his  
16 family situation, he knows that he will be separated from his  
17 family now for a significant period of time, but as he sits  
18 here, what he reflects upon is that if that sentence is  
19 120 months, there's a decent chance that he never sees his  
20 disabled brother again and possibly even his mother, who is  
21 elderly. And so we ask for that sentence to be sufficient,  
22 serious, to provide general deterrence, to send a message to  
23 the other defendants in this case.

24 I'll note that Mr. Aminov pled first, as your Honor  
25 knows, and after his plea, a couple -- I think one other

O4GUAMIS

1 defendant and/or maybe two are contemplating pleas or have pled  
2 guilty. So he deserves at least a little bit of credit there  
3 for acceptance of responsibility which he gets under the point  
4 system.

5 But, Judge, I would submit that he is suffering --

6 THE COURT: He gets that in the calculation of his  
7 guidelines range.

8 MR. ESKEW: He does, Judge, he does.

9 He sits here knowing that he faces a substantial  
10 sentence, and what we ask, Judge, is to apply some mitigation  
11 credit for -- for some of these mitigating factors that  
12 probation certainly has observed and made a recommendation  
13 about.

14 And I'll just make one very last brief point, Judge,  
15 with respect to the back and forth that you had with the  
16 government, I don't really think it's necessary because your  
17 Honor raised it already, but I will say that it is not  
18 appropriate to consider the plea negotiations of the parties.  
19 The government, you know, made a decision to cap it at  
20 ten years and we made a decision to not fight on certain other  
21 aspects that we could have fought on, not knowing how they  
22 would turn out. That's litigation risk. That's the  
23 consideration of the parties. And your Honor knows that the  
24 Second Circuit has said that it is -- if you are going to  
25 provide mitigation, you do so from 120 months, not from

O4GUAMIS

1 whatever would have exceeded the statutory cap. That would be  
2 reversible error, and it's incorrect for the Court -- for the  
3 government to ask for it.

4 THE COURT: I acknowledge that. That was my point.

5 MR. ESKEW: Thank you, Judge.

6 I have nothing further, but, you know, Mr. Aminov has  
7 prepared a statement he would like to, of course, address the  
8 Court.

9 THE COURT: Of course. Sure.

10 So, Mr. Aminov, whenever -- whenever you're ready, and  
11 however you're most comfortable. If you prefer to remain  
12 seated, you may. Certainly you should take a drink of water.  
13 If you prefer to stand, you may do that, however you're more  
14 comfortable.

15 MR. ESKEW: Judge, he's prepared a written statement.

16 THE COURT: Sure. Obviously, I'm happy to hear from  
17 Mr. Aminov. You're not obligated, sir, to speak, but if you  
18 wish to, I'm happy to hear from you.

19 THE DEFENDANT: Your Honor, I stand before you today  
20 deeply remorseful for the actions that have brought me here.

21 THE COURT: Why don't you fix the microphone, Counsel,  
22 just point it out.

23 THE DEFENDANT: I recognize the gravity of my crimes  
24 and the severe impact they have had on vulnerable individuals,  
25 our healthcare system, and the trust of our community.

O4GUAMIS

1 I'm profoundly sorry for exploiting those in dire need  
2 of medical care and for undermining the integrity of our  
3 healthcare institutions. My actions were wrong and they hurt  
4 people who were already struggling with their health and  
5 financial stability. This reality weighs heavily on my heart  
6 and I'm committed to making amends.

7 I understand that my behavior has damaged lives, and  
8 for that, I am truly sorry. I'm prepared to face the  
9 consequences of my actions and to use this experience as a  
10 turning point. I hope for an opportunity to demonstrate my  
11 commitment to living a responsible and contributive life moving  
12 forward.

13 I ask for your mercy in sentencing, not just for me  
14 but for the sake of my family who depends on me. I have been  
15 fortunate in my life to have people around me who care about me  
16 and love me. Some of them are here today, my family, my  
17 mother, my friends, my community. I let -- I let them down as  
18 well.

19 But I have also experienced terrible tragedies in my  
20 life and my family needs me to help care for them and provide  
21 for them. This is especially true of my disabled brother, my  
22 wife, my mother, and my deceased brother's family. I know I  
23 must go to jail and be separated from them but I ask for your  
24 mercy and consideration in handing out that sentence that I can  
25 be reunited with them in the near future to live a better life

O4GUAMIS

1 and care for them. I pledge to do everything within my power  
2 to rectify the harm I have caused and to contribute positively  
3 to society if given the chance.

4 Thank you.

5 THE COURT: All right. Thank you, Mr. Aminov.

6 So at this time, I'm going to talk to you about my  
7 thought process in terms of crafting the appropriate sentence  
8 for this case and the sentence that I do intend to impose.

9 So I begin, as I'm obligated to do, with my own  
10 independent calculation under the sentencing guidelines. I'm  
11 going to run through it quickly because I told you at the  
12 outset that my own calculation is consistent with what you all  
13 stipulated to in the plea agreement and what's contained in the  
14 PSR. So I don't want to belabor that, but as I say, I'm going  
15 to describe the sentence I do intend to impose and my statement  
16 of reasons. After I do that, both sides will have the  
17 opportunity to make any legal objections before sentence is  
18 finally imposed.

19 So, in doing my own guidelines calculation, I used the  
20 November 1, 2023 guidelines manual. Under that manual, the  
21 guideline for violation in Count One is Section 2B1.1, which is  
22 the guideline for the underlying offense of healthcare fraud.  
23 Because Count One has a statutory maximum term of imprisonment  
24 of ten years, the base offense level is 6. There are a number  
25 of adjustments that I made based on various offense

O4GUAMIS

1 characteristics including because the total loss amount of  
2 \$13,270,379.50 exceeds nine and a half million but does not  
3 exceed 25 million, the offense level is increased by 20. There  
4 is a further offense characteristic adjustment because  
5 Mr. Aminov was convicted of a federal healthcare offense  
6 involving a government healthcare program and the loss to that  
7 government program was more than \$7 million. Therefore, the  
8 offense level is increased by 3. Because the offense involved  
9 sophisticated means and Mr. Aminov intentionally engaged in or  
10 caused the conduct constituting sophisticated means,  
11 specifically through the use of shell companies, the offense  
12 level is increased by 2.

13 There are then adjustments for victim related  
14 considerations because Mr. Aminov knew or should have known  
15 that among the victims of his offense were vulnerable victims  
16 and the offense enlarged a large number of vulnerable victims,  
17 the offense level is increased by 4 additional points. And,  
18 finally, because Mr. Aminov was, by his own stipulation, an  
19 organizer, leader, manager, or supervisor in criminal activity,  
20 other than that described in Section 3B1.1(a) and (b), there is  
21 an additional two-level increase in the offense level resulting  
22 in an adjusted offense level of 37.

23 I then did subtract the two levels that we talked  
24 about earlier for Mr. Aminov's acceptance of responsibility and  
25 an additional one-level reduction for his timely notice of



O4GUAMIS

1 intent to enter a plea resulting in a total offense level of  
2 34.

3 Mr. Aminov has no criminal history points putting him  
4 had in Criminal History Category I. The guidelines range for  
5 an offense level of 34 and a Criminal History Category of I is  
6 151 to 188 months. However, pursuant to Section 5G1.1(a) and  
7 (c), because the statutory maximum sentence for Count One is  
8 120 months of imprisonment, the guidelines range applicable to  
9 this case is 120 months of imprisonment.

10 Now, in addition to considering the sentencing  
11 guidelines themselves and the calculation of the guideline  
12 sentence of 120 months, I've also very carefully considered and  
13 weighed all of the factors that Congress has set forth in the  
14 statute at 18, United States Code, Section 3553(a). For the  
15 benefit of everyone here, those factors include the nature and  
16 circumstances of the offense and the history and  
17 characteristics of the defendant, Mr. Aminov, the need for the  
18 sentence imposed to further the goals of sentencing which  
19 include the need to reflect the seriousness of the offense, to  
20 promote respect for the law, and to provide just punishment for  
21 the offense, to afford adequate deterrence to criminal conduct,  
22 to protect the public from further crimes of the defendant, to  
23 provide the defendant with needed educational and vocational  
24 training, medical care, or other correctional treatment in the  
25 most effective manner. The 3553(a) factors also include the

O4GUAMIS

1 sentencing guidelines and the applicable range for this case as  
2 well as any other applicable policy statements issued by the  
3 commission and the need to avoid unwarranted sentencing  
4 disparities among similarly-situated defendants and the need to  
5 provide restitution to the victims.

6 So, Mr. Aminov, in evaluating what would be an  
7 appropriate sentence in your case, I have carefully weighed all  
8 of these 3553(a) factors that I've just outlined and the  
9 appropriate purposes of sentencing as reflected in the statute.

10 I'll note at the outset that this is an extremely  
11 serious case, and I'll highlight the factors that I find most  
12 relevant in this case. As I say, I begin with the seriousness  
13 of the offense, which is extreme. For years you led, you  
14 orchestrated, you participated in a massive sophisticated fraud  
15 that generated tens of millions of dollars in profits by  
16 exploiting vulnerable patients suffering from HIV. This is  
17 significantly different than a pure economic fraud case or even  
18 any other healthcare fraud case that I have seen, frankly. As  
19 one of the ring leaders of this massive scheme, you oversaw and  
20 coordinated the procurement and trafficking of potentially  
21 life-threatening black market HIV medication to vulnerable and  
22 oftentimes low-income victims. You knew that the quality and  
23 condition of those black market medications were potentially  
24 dangerous. And yet you and your coconspirators took active  
25 steps to make the bottles of diverted medication falsely appear

O4GUAMIS

1 that they were new and in proper condition.

2 Now, at the plea hearing, you tried to distance  
3 yourself from the sale of those black market drugs to patients  
4 by the pharmacies, but you stipulated in your plea agreement  
5 that you "caused patients with HIV to receive illegally sourced  
6 black market HIV medication." And while you may not have  
7 masterminded the so-called buyback incentive portion of this  
8 healthcare fraud scheme, the large quantities of bottles of  
9 drugs with names of patients on them and other paraphernalia  
10 that were found in your apartment when it was searched make it  
11 very clear that you did participate in and profit from that  
12 heinous aspect of the fraud.

13 I'll note too that it is troubling that there was an  
14 assault type firearm found in your home as well.

15 Not only did your actions defraud government insurance  
16 programs including Medicaid and Medicare of at least  
17 \$13 million by your own stipulation, but, more importantly,  
18 your actions exploited low-income HIV patients and put their  
19 health and safety at severe risk. You profited from the  
20 year-long scheme which incentivized vulnerable patients, who,  
21 as I said, were often impoverished to sell back their  
22 life-saving medication in exchange for small but much needed  
23 amounts of money.

24 A review of your personal history, which I will talk  
25 about in more detail in a moment, demonstrates to me that your

O4GUAMIS

1 conduct was not driven by financial desperation or poverty, but  
2 instead can only be attributed to greed.

3 Now, in addition to this trafficking scheme which you  
4 did spearhead, that scheme was highly sophisticated and  
5 intentionally structured to avoid detection. You utilized at  
6 least 17 different shell companies to hide the scheme and to  
7 conceal the proceeds of your fraud. You and your  
8 coconspirators regularly closed and opened pharmacies so that  
9 irregular billing patterns could not be detected.

10 In sum, the seriousness of the offense and the  
11 calculating nature of it weighs in favor of a substantial term  
12 of imprisonment.

13 Now, I turn, as I said I would, to your history and  
14 personal characteristics, and, as I always do when I'm  
15 considering sentencing, I did my best to make an assessment of  
16 you as an individual. You had, in your own words, a happy  
17 childhood, during which time you enjoyed a close relationship  
18 with both your parents and siblings. Your parents were able to  
19 provide you and your siblings with a comfortable middle class  
20 upbringing and they met all of your basic needs. You were  
21 never subjected to abuse or neglect. That all stands in stark  
22 contrast to many of the defendants who come before me.

23 Now, I do understand that you and your family faced  
24 hostility and anti-Semitism in your home country, something no  
25 person should ever experience anywhere. But your parents

O4GUAMIS

1 sought a better way of life for you and your siblings and they  
2 were able to get that for you, enabling you to move to this  
3 country when you were young, and ultimately you become a  
4 naturalized citizen.

5 Now, I understand that you faced great struggles as a  
6 result of the death of your father and more recently your  
7 brother. You do remain close, as I understand it, with your  
8 mother and your devoted wife and your brother. I'm truly sorry  
9 for the traumatic events in your life, but they do not justify  
10 the behavior you engaged in or the fraud that you perpetrated.

11 Now I have carefully read the many letters of support  
12 that I received, 25 of them, I believe in all. They depict a  
13 kind man, a caring man. It's very clear to me that your family  
14 and friends love you. The turnout of people in this courtroom  
15 is probably among the highest I've ever had in any of my cases.  
16 So, obviously, you are loved, you are supported, and you have a  
17 community that cares about and respects you. You have a strong  
18 community standing behind you and it will be imperative that  
19 you lean on the support going forward. But I have to note that  
20 such strong ties to your family, your friends and your faith  
21 render your conduct all the more hard to understand and all the  
22 more troubling.

23 You are clearly well educated and intelligent. You  
24 have a bachelors degree and a masters degree in science from a  
25 well-regarded New York university. You also have an extensive

O4GUAMIS

1 employment background. You've held various well-paying jobs.  
2 You could have used these gifts in a positive way to help your  
3 family.

4 Instead, you chose greed. In essence, as I've already  
5 noted, your conduct doesn't appear to have been driven by a  
6 failed support system, by dire poverty or a lack of education.

7 Despite all of the opportunities that life provided to  
8 you and your strong network of support, you chose to use your  
9 education and intelligence to engage in serious criminal  
10 conduct and the scale of the fraud that you perpetrated is  
11 enormous resulting in a loss to the government of more than  
12 \$13 million and untold potential harm to patients struggling  
13 with HIV.

14 I must consider, and I have considered, the need for  
15 both specific and general deterrence.

16 Now, I acknowledge that you have no criminal history  
17 and no prior interaction with the criminal justice system. I  
18 note too that you were the first of the named defendants in  
19 this case to accept responsibility and to plead guilty. I  
20 credit too your charitable endeavors and your commendable  
21 efforts to care for your family including your nieces and your  
22 nephews. I note too your efforts to carry on the  
23 not-for-profit that, as I understand it, was begun by your  
24 brother.

25 But having said all that and those are all mitigating

O4GUAMIS

1 considerations, there is still a serious need for general  
2 deterrence in these circumstances. Congress and our federal  
3 courts have explicitly recognized that this sort of collective  
4 criminal activity in which you engaged, a conspiracy, poses a  
5 greater threat to the public safety and welfare than individual  
6 conduct, and, therefore, a substantial sentence is needed to  
7 demonstrate that when these types of sophisticated criminal  
8 conspiracies are detected and disrupted, the consequences will  
9 be severe. The sentence must also send a message that black  
10 market drugs pose a great threat to the citizens of our country  
11 and whose who partake in their purchase and resale will be held  
12 accountable.

13 I also consider the need to protect the public. As  
14 I've mentioned repeatedly, you were responsible for  
15 distributing large quantities of potentially dangerous black  
16 market drugs to vulnerable HIV patients, and as such, the need  
17 to protect the public and promote respect for the law does  
18 favor a long term of imprisonment.

19 I consider also the need to provide you with needed  
20 medical care or other correctional treatment in the most  
21 effective manner. We've talked about your ongoing struggles  
22 with mental health issues and substance abuse, and apparently  
23 those have worsened since the onset of this case. These  
24 circumstances counsel me that during a period of supervised  
25 release you obtain appropriate medical care and mental health

O4GUAMIS

1 treatment, both during a period of supervised release and to  
2 the extent it's obtainable during any period of incarceration.

3 Now your counsel urges that I give significant weight  
4 to your commitment to your family and your ongoing care and the  
5 impact that a term of imprisonment will have on your family.  
6 But, as you acknowledge in your own submission, those are all  
7 consequences that you brought on yourself, and, frankly, every  
8 defendant who stands before me has people who care about him or  
9 her who are impacted by the consequences of their wrongful  
10 conduct. So while I take it into account, it does not  
11 ameliorate the other considerations.

12 Now, I want to say finally that I am mindful of the  
13 need to avoid unwarranted sentencing disparities. So I do  
14 weigh heavily your role as a leader and an organizer, which  
15 make you particularly culpable here. You stipulated, as I  
16 said, to causing over \$13 million in loss to a government  
17 healthcare program and to orchestrating a scheme to traffic  
18 drugs to innocent victims, black market drugs. And against  
19 that though, I give weight, as I said earlier, to the fact that  
20 you were one of the first to accept responsibility and enter a  
21 plea.

22 I have also taken into account the statistics from the  
23 sentencing commission that are contained in the PSR with regard  
24 to the average sentence and a median sentence for defendants  
25 whose primary sentencing guideline is the same as yours,



O4GUAMIS

1 Section 2B1.1, and who have the same offense level of 34 and a  
2 criminal history category of I.

3 All of these considerations lead me to an intent to  
4 sentence you to a sentence of 108 months of imprisonment to be  
5 followed by a three-year term of supervised release, during  
6 which the standard mandatory and special conditions of  
7 supervised release that we have discussed would be imposed. I  
8 find that such a sentence is sufficient but not greater than  
9 necessary to serve the goals of sentencing as set forth in  
10 Section 3553(a).

11 In addition, there is a \$100 per count mandatory  
12 special assessment that is payable immediately. Based on the  
13 financial information that you've provided, I do find that you  
14 don't have the ability to pay a fine. Section 5E1.2 dictates  
15 that the Court shall impose a fine except where it is  
16 established that you are unable to pay. And as I say, based on  
17 the financial information provided and what's in the PSR, I  
18 find that you do not have an ability to pay and I don't intend  
19 to impose a fine.

20 I will impose restitution in the amount of  
21 \$13,270,379.50. I will enter the consent order of restitution  
22 that the parties will be resubmitting to me later on today.

23 I would ask you, when you revise it, please, also, in  
24 paragraph 2 on page 2, the third full paragraph where you say,  
25 any unpaid amount remaining upon release from prison will be

O4GUAMIS

1 paid in installments, it should say on what period, monthly,  
2 are you talking? Monthly installments? Of at least 15 percent  
3 of the gross income payable on the 1<sup>st</sup>? The 15<sup>th</sup>? What day  
4 of each month? All right. Include that revision. I will  
5 enter that order of restitution.

6 The preliminary order of forfeiture that I signed on  
7 December 11, 2023, that is on the docket at ECF No. 156 will be  
8 incorporated into the judgment in this case, and that does call  
9 for forfeiture in the amount of \$4,401,495 and the forfeiture  
10 of specific property, namely the cash that was found in the  
11 amount of \$318,393.

12 So let me pause and ask each side --

13 And, Mr. Eskew, if you wish time to confer, you may do  
14 that --

15 But I will ask either side, starting with the  
16 government, is there any legal reason sentence may not be  
17 imposed as I've outlined?

18 MR. COYLE: No, your Honor.

19 THE COURT: All right. Mr. Eskew?

20 MR. ESKEW: No, your Honor.

21 THE COURT: All right. Mr. Aminov, would you please  
22 stand.

23 Sir, it is the judgment of the Court that you be  
24 remanded to the custody of the Bureau of Prisons to serve a  
25 term of incarceration of 108 months.

O4GUAMIS

1 I do find that Mr. Aminov is an appropriate candidate  
2 for voluntary surrender and I will order that you surrender to  
3 the facility designated by the Bureau of Prisons on  
4 August 9<sup>th</sup> of this year.

5 Once you're released from prison, you'll serve a term  
6 of supervised release for a period of three years, during which  
7 the standard mandatory and special conditions of supervised  
8 release set forth in the PSR and that we have discussed will be  
9 imposed.

10 There is a \$100 mandatory special assessment payable  
11 immediately.

12 You must pay restitution in the amount outlined and  
13 the preliminary order of forfeiture that I have previously  
14 entered will become final and is -- will be incorporated in the  
15 judgment that will be entered on the docket.

16 You may be seated, sir.

17 All right. Mr. Eskew, you mentioned before a request  
18 that Mr. Aminov be evaluated for eligibility for RDAP?

19 MR. COYLE: Yes, Judge. And I'd also ask for the  
20 Court's recommendation to FCI Otisville based on their ability  
21 to particularly care for Jewish prisoners, and they have a  
22 program there, and --

23 THE COURT: They have a specialized program?

24 MR. ESKEW: I believe that Otisville has facilities  
25 for orthodox and observant Jewish individuals. And we would

O4GUAMIS

1 ask that the Court recommend that.

2 THE COURT: Okay. Look, I will tell you that I am  
3 instructed by Bureau of Prisons, or I'm reminded or  
4 reprimanded, that is not up to me what facility a defendant  
5 goes to. That's entirely -- from today on, it's entirely  
6 within the province of the Bureau of Prisons. I will make a  
7 strong recommendation. They asked me to just recommend  
8 geographic areas. So I assume Mr. Aminov lives in New York,  
9 right?

10 MR. ESKEW: Yes, Judge.

11 THE COURT: I assume you want as close as possible to  
12 New York City with a strong recommendation for a facility that  
13 has programs that can accommodate --

14 Is Mr. Aminov orthodox Jewish?

15 MR. ESKEW: He is observant. He is observant.

16 THE COURT: Okay. And also that he be evaluated for  
17 the RDAP program. I don't know if Otisville has that. So the  
18 Bureau of Prisons needs to weigh all of these considerations.

19 MR. ESKEW: Thank you, Judge. That's all we're  
20 asking.

21 THE COURT: All right. I will include that in the  
22 judgment.

23 Are there any other requests from the defense?

24 MR. ESKEW: No, Judge. Thank you.

25 THE COURT: All right. Mr. Aminov, to the extent you

O4GUAMIS

1 haven't waived it in the plea agreement that you entered into,  
2 I need to advise you that you do have the right to appeal from  
3 your conviction and from your sentence. If you're unable to  
4 could pay the costs of an appeal, you may apply for leave to  
5 appeal in forma pauperis.

6 Any notice of appeal needs to be filed within 14 days  
7 of the entry of the judgment of conviction. I try very hard to  
8 get that entered promptly. Given the hour, it may not go in  
9 before the end of the day today, but it will be entered  
10 tomorrow in all likelihood and that would sort start the clock  
11 running on the time for any appeal, should you wish to take  
12 one.

13 Do you understand, sir?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Is there anything from the  
16 government by way of a motion?

17 MR. COYLE: Yes, your Honor. The government moves to  
18 dismiss all open counts on the S1 superseding indictment  
19 against Mr. Aminov.

20 THE COURT: All right. Was he named in the original?

21 MR. COYLE: He was, your Honor. The original  
22 indictment and the S1 superseding indictment, he was both named  
23 in. The government hereby moves to dismiss all open counts  
24 against him in those two charging instruments.

25 THE COURT: All right. All open counts against

O4GUAMIS

1 Mr. Aminov other than the one on which he has been convicted  
2 and sentenced will be dismissed.

3 So, Mr. Aminov, before we adjourn, I just want to say  
4 to you, sir, obviously, you have an enormous community of  
5 people who care about you. Hopefully, you'll be designated to  
6 a facility close enough for them all to remain in touch with  
7 you. Rely on these people. You're going to need their help  
8 and support, but I'd also encourage you in the strongest terms  
9 I can to take advantage of the counseling, both for your  
10 addiction problems and your mental health problems, and spend  
11 some time thinking seriously.

12 You told me that you see this as a turning point. You  
13 told me that you're committed to live a law-abiding life.  
14 Think about how you are going to turn your life back on the  
15 proper path and how you are going to contribute to society  
16 after you serve your term of imprisonment.

17 I wish you all the best, sir.

18 THE DEFENDANT: Thank you.

19 THE COURT: Is there anything from you, Mr. Eskew?

20 MR. ESKEW: No, Judge.

21 THE COURT: All right. Nothing else from the  
22 government?

23 MR. COYLE: No, thank you, your Honor.

24 THE COURT: Please stay seated.

25 I thank the court reporter very much and I thank the

O4GUAMIS

1 marshal too for coming up.

2 We'll stand adjourned. Thank you.

3 I thank our interpreter too. Thank you.

4 o0o